

VZCZCXRO1851
OO RUEHAG RUEHBC RUEHDE RUEHDIR RUEHIHL RUEHKUK RUEHROV
DE RUEHFR #1188 1761106
ZNY CCCCC ZZH
O 241106Z JUN 08
FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3522
INFO RUCNMEM/EU MEMBER STATES PRIORITY
RUCNIRA/IRAN COLLECTIVE PRIORITY
RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L PARIS 001188

SIPDIS

E.O. 12958: DECL: 06/24/2028
TAGS: [PREL](#) [PTER](#) [FR](#) [IR](#)
SUBJECT: FRENCH REQUEST FOR U.S. DEMARCHE TO EU MEMBERS ON
RETAINING MEK TERRORIST DESIGNATION

REF: PARIS 1169

Classified By: DCM Mark Pekala for reasons 1.4. (b), (d).

11. (U) Action request in para 5.

12. (C) Toward the end of a June 23 meeting DCM had with French MFA Political Director Gerard Araud (P-equivalent) focused on Iran and Zimbabwe (septels), Araud brought up the prospect of the EU rescinding its designation of the MEK as a terrorist group. Araud, per para 5 of reftel, related the GOF's concern that a recent UK court ruling had eliminated the judicial basis sustaining the EU's designation of the MEK, and he mentioned GOF efforts to provide a French judicial basis to continue this designation. Araud, however, provided more detail than French NEA A/S-equivalent Jean Felix-Paganon had given visiting NEA A/S Welch. He explained that the problem was not merely declassification of intelligence or other GOF information establishing the MEK's terrorist nature but the protected nature of French judicial investigations. According to Araud, a number of investigations of MEK individuals are underway, including several that had yielded indictments, but none have actually reached the trial phase. This means there are as yet no convictions. French law, Araud lamented, places considerable restrictions on the state's ability to use specific information germane to an investigation for political or other non-judicial purposes. This included for the purposes of an EU terrorism designation.

13. (C) Araud reaffirmed the belief of France's internal intelligence service that maintaining the MEK's terrorist designation was of utmost importance. The group's headquarters are in France along with a good portion of its membership or the families of its membership. Araud said he has expressed his anxiety to his British counterpart, who professed to be powerless in the face of a UK court ruling. "De-designating" the MEK would anger the Iranians and send an unintended signal, Araud contended, at a moment when we need to control carefully the pressure we bring to bear on Tehran. He suggested, too, that Iran could repeat past practice and initiate reprisals through attempts to assassinate MEK members in Europe (with major implications for France given the number of MEK-affiliated persons on its soil).

14. (C) Araud claimed that the French presidency has authorized moving ahead as quickly as possible on a trial of MEK-affiliated individuals. The GOF is also reaching out to other EU members appealing for solidarity to preserve the needed unanimity of action while it compiles the necessary legal arguments for a designation. As a last resort, he said France would be prepared to block any additional designations or "veto" a change to the list that dropped the MEK. In the meantime, i.e., while France plays for time to line up the necessary legal ducks to provide a legal basis to list the MEK, Araud said that the GOF would appreciate the USG passing its "friendly word" among EU members urging them to give the process time to play out and, ultimately, to maintain the

MEK's terrorist designation. When we observed that this was one of the few times France seemed to want the USG to use the word "urge" in one of its demarches, Araud laughingly replied "we would actually like you to use 'demands.'"

15. (C) Comment and action request: The GOF clearly believes this to be a critical matter of national security, and we would ask the Department to give favorable consideration to this request for a demarche to other EU members aimed at affording the French the time they need to assemble their legal case. We also request a quick and positive response pending French requests to provide the GOF the names and identifying data for MEK members held in Iraq under MNF-I control and released earlier this year for having reportedly renounced their cause. The French already believe some of these former detainees have made their way to France.

Araud did not raise the subject in this meeting, but that may only have been because the MEK came up rather spontaneously in a meeting originally organized to discuss other things, and the office primarily concerned was not represented. France clearly expects from us, as a close ally, the same responsiveness to both of these requests as we would expect from it were the roles reversed. End of comment and action request.

Please visit Paris' Classified Website at:
<http://www.intelink.sgov.gov/wiki/Portal:France>

STAPLETON